

### *Judicial Survey*

#### JUDICIAL INTERVIEWS

Twenty-five judges<sup>32</sup> were interviewed by the program evaluation consultant using the questionnaire attached in Appendix G.<sup>33</sup> The judges were selected on the basis of their assignment to family law departments within the Family Law Information Center pilot counties. The interviews were conducted by phone, and most of the respondents had received a copy of the questions ahead of time enabling them to organize their thinking in advance of the call. Interviews varied in length from 15 to 30 minutes.

A presiding judge reported that he did not presently hear any family law cases. The information he had about the Family Law Information Center was gained from conversations with colleagues who did hear such cases. His responses were, therefore, omitted. The number of judges whose responses are included is twenty-four (24).

Several of the judges in Los Angeles County found it difficult to respond to certain questions because they felt they could not be sure where the pro per litigants had received help. For example, a litigant in central Los Angeles may have received assistance from the Family Law Facilitator or from the Domestic Violence Project operated by the Los Angeles County Bar Association. In the Norwalk location, litigants may have received assistance from the Family Law Facilitator or the Legal Aid Society of Orange County's domestic violence program. In both locations, litigants may also have received assistance from the Family Law Information Centers. Most of the judges, however, believed that they could make good estimates about the impact that the Family Law Information Centers had on both the litigants and the court.

*"They don't have a clue what they need. The Family Law Information Center helps clarify their needs, condenses their complaint, and gets it before the court. They sort it out."*

*"They get a fair hearing, they feel confident that they are being heard and getting a fair shake."*

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<sup>32</sup> Includes judges and commissioners.

<sup>33</sup> Question No. 10 was omitted. Respondents indicated they couldn't answer the question because, for the most part, they did not see litigants again after their hearings.

### NUMBER OF CASES HEARD AS A JUDGE

The number of cases heard each week by the 24 respondents ranges from 46 to 400.<sup>34</sup> All those reporting more than 100 cases a week are in Fresno or Sutter Counties.

### CASES HEARD IN A TYPICAL WEEK

NUMBER OF CASES	JUDGES
200+	5
100-199	5
50-99	13
<50	1

### PREVALENCE OF PRO PERS

Estimates about the proportion of people appearing in court pro per ranged from under 5 percent to 99 percent; the average was 60 percent. There was a difference in the estimates of commissioners and judges: commissioners reported that, on average, 70 percent of the people appearing before them are pro per while the judges' estimated mean is 60 percent.

### PERCENT OF PEOPLE ESTIMATED TO APPEAR PRO PER

PER CENT	JUDGES
85%+	5
70-84%	5
50-69%	8
-50%	6

### FAMILIARITY WITH THE FAMILY LAW INFORMATION CENTER

All 24 judges said they were familiar with the local Family Law Information Center. Most gave detailed descriptions of the services provided by the centers. One judge reported not being able to describe the difference between the services of

ALL JUDGES  
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FAMILIAR WITH THE  
FAMILY LAW  
INFORMATION CENTERS  
IN THEIR COURTS.

<sup>34</sup> The 400 case count includes defaults signed by a child support commissioner.

the Family Law Information Center and the family law facilitator.

### **REFERRALS TO THE FAMILY LAW INFORMATION CENTER**

All of the judges who hear family law cases refer litigants to the Family Law Information Center. Two refer to the family law facilitator and let the facilitator make the referrals to the Family Law Information Center. One judge indicated that his courtroom clerk actually makes the referrals, as she has first contact with the litigants.

To underscore their responses, many of the survey respondents provided information about frequency or numbers of people referred.

#### **VOLUNTEERED FREQUENCY OF REFERRALS**

- About 30 a week
- We send everyone to them
- Quite a bit
- 80%
- Often
- All the time
- Several times a day
- Every day
- A lot
- Two of the seven seen by 10 AM today
- Several a day
- Two to five times a day

Some judges in all three counties also spoke of printed materials (e.g., brochures, clinic schedules, flyers, and directions) about the local Family Law Information Center and its services that they give to litigants or have available in the court.

### **REASONS FOR REFERRAL TO FAMILY LAW INFORMATION CENTERS**

Many responses to the question about why litigants are referred to the Family Law Information Centers yielded a list of specific issues or tasks, but some judges talked more about process and outcome

#### **ALL JUDGES INTERVIEWED REFER LITIGANTS TO THE FAMILY LAW INFORMATION CENTERS**

*“I refer them for just about everything because I’m not in the explaining business; I’m in the deciding business.”*

*“I refer for settlement of cases, getting them through the process, finishing the cases.”*

**88% OF JUDGES BELIEVE THAT THE FAMILY LAW INFORMATION CENTERS ARE EFFECTIVE IN HELPING LITIGANTS GET CORRECT PAPERWORK FILED.**

*“This is a major area of improvement the Family Law Information Center has brought about.”*

*“This is a real benefit; they get the right stuff properly filed.”*

*“Looking back over the last 10 years, one now rarely sees a proof of service missing any more whereas it used to be a very common problem.”*

*“Things that come up from down there are done right.”*

## REASONS JUDGES MAKE REFERRALS

- Getting questions answered
- Concluding documents [orders and judgments]
- Child support, license revocation, set asides
- General information or answers to questions
- Custody/visitation
- Wage assignments or revisions
- Dissolution of marriage
- Referrals to legal or social services
- Orders after hearing, responses, service information
- Getting cases started
- Arrears
- Paternity action
- Settlement of cases
- Preparation of declarations
- Orders to show cause
- Income and Expense Declarations

## DO FAMILY LAW INFORMATION CENTERS HELP LITIGANTS PROVIDE CORRECT PAPERWORK TO JUDGES?

	<b>Fresno and Sutter Counties</b>	<b>%</b>	<b>Los Angeles County</b>	<b>%</b>	<b>Total</b>	<b>%</b>
Yes	9	100%	12	80%	21	88%
Don't know	0	0%	3	20%	3	17%
No	0	0%	0	0%	0	0%
Total	9	100%	15	100%	24	100%

There was great unanimity about the helpfulness of the Family Law Information Centers' services with regard to the work they do providing and helping prepare paperwork. This also is the area in which respondents were most enthusiastic in their comments.

Three of the judges in Los Angeles County reported that they couldn't tell for sure where the litigants had received assistance.

Of those judges who felt they could respond, 100 percent felt that the Family Law Information Center helped the litigants get the correct paperwork to the court.

**DO THE FAMILY LAW INFORMATION CENTERS HELP LITIGANTS BECOME MORE PREPARED TO PRESENT THEIR CASES TO THE JUDGES?**

	Fresno and Sutter Counties	%	Los Angeles County	%	Total	%
Yes	9	100%	9	60%	18	75%
Don't know	0	0%	4	27%	4	17%
No	0	0%	2	13%	2	8%
Total	9	100%	15	100%	24	100%

Most of the judges thought that the services of the Family Law Information Centers help litigants be more prepared to present their cases in court. Several respondents noted that having the correct paperwork was significantly related to the ability of the pro per to present his or her case in court. Most respondents felt there was a more direct effect.

Three judges did not feel they could tell where the litigants had received assistance. One judge stated that he wasn't sure if the litigants were better prepared for court by the Family Law Information Center.

Of those judges that felt they could respond to the question, 90 percent believed that the Family Law Information Centers helped the litigants become more prepared to present their cases in court.

One judge reported that it was not the job of the center to help the litigants prepare for court. Another stated that even with

**75% OF JUDGES BELIEVE THE FAMILY LAW INFORMATION CENTER HELPS LITIGANTS BE BETTER PREPARED FOR COURT.**

*"If they have helped with the paperwork, they have helped the litigants be better prepared to present their case."*

*"In the process of attending training sessions or classes, they learn about the multiple factors that can influence a child support order that they may never have considered before (e.g., union dues, other children supported). Litigants often want to focus on other things (such as presenting themselves in a positive light) but the Family Law Information Center staff helps get them focused on what is essential."*

*"For instance, they now know they need to bring pay stubs with the wage declaration form."*

**67% OF JUDGES REPORT THAT THE FAMILY LAW INFORMATION CENTERS HELP LITIGANTS UNDERSTAND HOW THE LAW AND COURT PROCEDURES ARE APPLIED IN THEIR CASES.**

*“The typical person has two or three issues he is concerned with (or that are inter-related). A good facilitator, in talking with the litigant, identifies those issues and can thus more fully prepare the litigant for court.”*

*“The litigants better understand procedures. They seem to better understand my limitations, what I can and cannot do.”*

the correct paperwork, the pro pers remain fairly “clueless” about presenting their cases; but pointed out that this was not the fault of the Family Law Information Center.

Fresno and Sutter County respondents were more likely than Los Angeles County respondents to say that the Family Law Information Center helps litigants be more prepared to present their cases. Here it seems that the difference in responses tends to reflect differences in the range of services provided by the three centers.

**DO FAMILY LAW INFORMATION CENTERS HELP LITIGANTS UNDERSTAND HOW THE LAW AND COURT PROCEDURES ARE APPLIED IN THEIR CASES?**

	<b>Fresno and Sutter Counties</b>	<b>%</b>	<b>Los Angeles County</b>	<b>%</b>	<b>Total</b>	<b>%</b>
Yes	8	88%	8	54%	16	67%
Don't know	1	12%	5	33%	6	25%
No	0	0%	2	13%	2	8%
Total	9	100%	15	100%	24	100%

The majority of judges believe that the Family Law Information Centers help litigants better understand how the law and court procedures are being applied to their cases.

The Sutter County respondents and most Fresno County respondents were certain that the Family Law Information Center helps litigants gain a better understanding of how the law and court procedures are applied in their cases. Several of the Fresno judges emphasized that the litigants seem more prepared with respect to processes and procedures than with understanding of the law.

Three of the Los Angeles judges did not feel they could tell where the litigants had received assistance. Three of the other judges were not certain whether or not the Family Law Information Center improved litigant understanding of law and procedure involved in their cases. One of those three

reported having a sense that it was true, but no real data. Two of the judges did not think the Family Law Information Center provided this sort of assistance at all.

Of those judges that did respond to the question, 89 percent felt that the Family Law Information Centers helped litigants to better understand how the law and procedures are applied in their cases.

**DO FAMILY LAW INFORMATION CENTERS SAVE TIME YOU OTHERWISE WOULD SPEND ANSWERING PRO PER QUESTIONS?**

	<b>Fresno and Sutter Counties</b>	<b>%</b>	<b>Los Angeles County</b>	<b>%</b>	<b>Total</b>	<b>%</b>
Yes	9	100%	12	80%	21	88%
Don't know	0	0%	2	13%	2	8%
No	0	0%	1	7%	1	4%
Total	9	100%	15	100%	24	100%

All but three of the judges interviewed were certain that the availability of the Family Law Information Centers saves court time they otherwise would have to spend answering questions for pro per litigants. Responses to this question also identify time saved by pro pers being better prepared for court hearings as a result of assistance from the centers. Judges were fairly specific in detailing how the centers save valuable time for courts with heavy calendar loads.

Two judges again responded that they did not know who had been to the Family Law Information Center.

Of those judges that felt they could respond to the question, 96% reported that the Family Law Information Center saved them valuable court time.

One judge remarked that it did not save time because he does not answer questions for pro pers.

**88% OF JUDGES REPORT THAT THE FAMILY LAW INFORMATION CENTERS SAVE THEM VALUABLE COURT TIME.**

*“.75 of a day a week that we used to spend answering questions and providing information”*

*“5-10 minutes per client otherwise spent on trying to figure out what the issue is.”*

**88% OF JUDGES REPORT THAT THE FAMILY LAW INFORMATION CENTERS EXPEDITE FAMILY LAW CASES FOR PRO PER LITIGANTS.**

*“Couples who have gone through the process of the paperwork can settle faster and the judge can take less testimony.”*

*“They ask fewer questions, are more informed, and they are better able to stay on point.”*

*“The Family Law Information Center staff explains the process, give litigants an idea of what to expect”*

## DOES THE FAMILY LAW INFORMATION CENTER HELP EXPEDITE PRO PER CASES?

	Fresno and Sutter Counties	%	Los Angeles County	%	Total	%
Yes	8	88%	13	87%	21	88%
Don't know	1	12%	2	3%	3	12%
No	0	0%	0	0%	0	0%
Total	9	10%	15	100%	24	100%

Eighty-eight percent of the survey respondents said that the Family Law Information Center expedited cases involving pro pers. Three judges said they do not have data to support any opinions they may have.

Of the judges that felt they could respond to the question, 100% believed that the Family Law Information Centers help expedite pro per cases in family law.

Many of the survey respondents attributed the positive effect to the fact that, with the help of the Family Law Information Center, pro pers come to court prepared to present their cases. Others made reference to the reduced likelihood that cases in which Family Law Information Center help has been involved will be postponed because they are not ready to be heard. Two of the judges pointed out that Family Law Information Center services can actually lead to some cases not going to court at all, because the parties end up resolving things themselves.

### SERVICES MOST USEFUL TO JUDGES

The most frequently mentioned benefit of the Family Law Information Center is that paperwork is improved. This was closely followed by the opinion that the centers' answering questions and providing information for litigants was extremely useful to judges. Four judges specifically mentioned that helping pro pers prepare for court was also beneficial to the bench. Three judges simply said that “everything” the Family Law Information Center did for a litigant was also helpful to them.



## HOW THE FAMILY LAW INFORMATION CENTERS COULD BE MORE HELPFUL TO JUDGES

When asked how the Family Law Information Centers could be more helpful to them, judges tended to give a response fitting into one of two general categories: extension of existing services or expansion of services provided.

### Extend Existing Services

- Increase staff and time; offer more help with forms;
- Extend services to more rural areas;
- Offer more outreach to the public;
- Extend service hours; and
- Extend language capacity.

### Expand Services

- Be available in court;
- Make all litigants pass through Family Law Information Center before getting into court;
- Do a readiness review of files prior to hearing; and
- Additional help with guardianships and adoptions.

## GREATEST BENEFITS TO LITIGANTS

In answer to a question about which Family Law Information Center services were most beneficial to litigants, the majority of judges referred to specific activities.

Some judges emphasized the importance of interaction between the litigants and Family Law Information Center staff.

Specific benefits included the following:

- Improved paperwork;
- Useful information;
- Increased perceptions of fairness because someone will listen to them;
- Basic access to the court process;
- Referrals; and
- Getting them started.

### BENEFITS TO JUDGES:

*"I often cannot even figure out what a case is about when the paperwork is prepared by a pro per without help of Family Law Information Center."*

*"They come in ready to proceed."*

*"They are better able to stay on point."*

### BENEFITS TO LITIGANTS:

*"They are taking a day off work and we want to minimize that. They have families, sometimes two, to support so we want them to keep their jobs."*

*"The ability to sit down with someone who can provide guidance."*

*"Having a live person who pays attention to them and provides accurate information."*

#### **ADDITIONAL COMMENTS FROM JUDGES:**

*“We would be in a world of hurts without the Family Law Information Center.”*

*“I would not want to return to the bad old days.”*

*“It’s great to be able to send someone to a specific location. It’s like having a prescription.”*

*“The alternative to referring litigants to the Family Law Information Center would be to tell them to leave court and figure out what to do.”*

*“Don’t let them take it away. Expand it. It is a valuable service and a useful investment of the State’s money.”*

*“If they eliminate Family Law Information Center, I hope they have enough money for about five new judges.”*

#### **HOW THE FAMILY LAW INFORMATION CENTERS COULD BE MORE HELPFUL TO THE LITIGANTS**

As to what might make the Family Law Information Centers more helpful to litigants, responses mirrored those regarding helpfulness to judges. One judge thought the Family Law Information Center should give legal advice.

##### **Extend Existing Services**

- Increase staff;
- Increase outreach to the public;
- Extend service hours; and
- Extend language capacity.

##### **Expand Services**

- Be available in court;
- Help complete forms;
- Offer clinics;
- Additional help with guardianships and adoptions; and
- Establish a full-service center.

#### **ADDITIONAL COMMENTS FROM JUDGES**

The judges were given the opportunity to add to what they had said in response to the survey questions.

The judges wanted to make clear that the services of the Family Law Information Centers were extremely valuable to the court.

They also wanted to be clear that the Family Law Information Centers were equally valuable to the litigants.

Finally, they expressed serious concerns that the service may not be maintained owing to funding issues, and wanted to go on record as strongly opposing such cuts. Many judges pointed out the fiscal value of the Family Law Information Centers to the court as expressed in significant time savings for other departments, such as courtroom staff and judges. ■